

Effectiveness of the Implementation of Rehabilitation for Prisoners in Narcotics Class IIA Correctional Institutions in Nusakambangan

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Abstract--Narcotics abuse is a person who uses narcotics without rights or against the law. Article 127 Paragraph (3) of Law Number 35 Year 2009 states that in the case of narcotics abusers, whether they can be proven or proven to be victims of narcotics abusers, they must undergo medical and social rehabilitation at narcotics penitentiary institutions. The formulation of the problem in this study are: 1) What is the process of implementing rehabilitation for inmates in the Nusakambangan Class IIA narcotics correctional facility? 2) What are the obstacle factors in carrying out rehabilitation for prisoners in class IIA narcotics correctional facilities? The research method used in this research is to use a sociological juridical approach. The purpose of this study was to determine the process of implementing rehabilitation for inmates at the Nusakambangan class IIA narcotics correctional facility and constraints in carrying out rehabilitation for inmates at the Nusakambangan class IIA narcotics correctional facility. The results of the research are related to the implementation of rehabilitation of prisoners in Nusakambangan Class IIA narcotics penitentiary institutions conducted through medical rehabilitation through physical health testing, mental health and addiction screening, and convicted of suffering from high addiction. While in the implementation of social rehabilitation in narcotics correctional institutions class IIA Nusakambangan carried out by all prisoners. From the research results, related to the effectiveness of the implementation of rehabilitation for prisoners in Class IIA Narcotics Penitentiary institutions, the implementation has not been carried out effectively in accordance with the laws and regulations in the implementation of medical and social rehabilitation for narcotics convicts. This happens because of the fact that there are those that are fully compliant and some that are not fully compliant with the laws and regulations No. 35/2009.

Keywords: *Effectiveness; Rehabilitation; Prisoners.*

I. INTRODUCTION

In the legal system, that the penalty or criminal sentence imposed is related to what actions are threatened by the criminal must first be included in the criminal law meaning that if there is no law that regulates, then the criminal cannot be imposed.[1]

One of the criminal offenses that was sentenced was a criminal act of narcotics. This means that an

act that violates the legal provisions of narcotics is related to the regulation of narcotics, that is, in Law Number 35 of 2009 concerning narcotics. Criminal sanctions in general are as a means of coercion so that someone obeys the norms in force, where each norm has its own sanctions and the ultimate goal expected is coaching efforts.[2]

Correctional institutions that specifically foster inmates in narcotics crime in the Nusakambangan region are Class IIA Narcotics correctional facilities in Nusakambangan, which is a Technical Implementation Unit (UPT) in the Penitentiary field within the working area of the Ministry of Law and Human Rights, Central Java.

In the implementation of rehabilitation of prisoners in Class IIA Nusakambangan narcotics correctional facilities held in order to form correctional fostered citizens to become fully human, aware of mistakes, improve themselves and not repeat criminal acts so that they can be accepted again in the community and can be active and play a role in development. In terms of efforts to carry out the process of rehab of inmates in the class IIA narcotics correctional facility Nusakambangan carried out with medical and social rehabilitation. But in carrying out the rehabilitation, is it in accordance with statutory regulations or not.

II. PROBLEMS

From the description above, then in this case a problem statement can be drawn, namely 1) What is the process of carrying out rehabilitation for prisoners in the class IIA narcotics correctional facility? 2) What are the obstacle factors in carrying out rehabilitation for prisoners in class IIA narcotics correctional facilities?

III. RESEARCH METHODS

The method that I use in this research is through a sociological juridical approach. The method used is descriptive using a qualitative approach. Data collection techniques use primary data and secondary data and data analysis techniques use qualitative methods, namely assessing applicable

legal provisions and what is happening in reality in society. This research was conducted to determine the implementation process of rehabilitation for prisoners at the Narcotics Class IIA Nusakambangan Prison, in relation to the effectiveness of the implementation of medical and social rehabilitation as regulated in statutory regulations.

IV. DISCUSSION

A. The Process of Implementing Rehabilitation for Prisoners in Narcotics Class IIA Penitentiary Institutions

The Penitentiary as the gate for implementing Narcotics convicts is very instrumental in re-popularizing or is actually a place of guidance for prisoners to be prepared to return to the community after being released from detention. Because the objective of this institution is a change in nature, ways of thinking and behavior, an educational interaction process must be developed. But in its development, Correctional Institutions always cause problems from year to year, especially in Narcotics Correctional Institutions.

Rehabilitation is defined as treatment and recovery. Narcotics policy emphasizes forms of treatment to free addicts from narcotics addiction. There are several conditions that need to be fulfilled before a person can undergo the drug rehabilitation program, including completeness of the letter, urine test results, the results of the overall medical examination, the willingness of parents or guardians who can represent, and others. But in reality the handling of narcotics abuse in Indonesia is still ambiguous. Narcotics addicts who are victims are ultimately sentenced to prison terms and placed in Penitentiary Institutions, in which prison drug addicts are united with drug dealers, syndicates, and drug traffickers. Whereas with the Prevention and Eradication of Narcotics Dark Narcotics Prevention and Eradication (P4GN) strategy, addicts and victims of narcotics abuse are given treatment in the form of medical rehabilitation and social rehabilitation that can recover addicts. However, as is well known there are still many narcotics trafficking in prisons, this proves that law enforcement has not been serious in rehabilitating these prisoners.[3]

Medical rehabilitation is a process of integrated treatment activities to free addicts from narcotics addiction. Article 1 Point 16 of Act 35, 2009, the medical rehabilitation of narcotics addicts can be done in a hospital appointed by the Minister of Health, which is a hospital run by both the government and the community.[4]

Social rehabilitation is a process of integrated recovery activities, both physical, mental and social, so that former Narcotics addicts can return to carrying out social functions in people's lives. Article 1 Point 17 of Act 35, 2009, social

rehabilitation, can be done at a social rehab institution appointed by the Minister of Social Affairs.

In Article 54 of Law Number 35 Year 2009 concerning Narcotics, it is explained that narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation. Narcotics addicts are people who use or abuse narcotics and are in a state of dependence on narcotics, both physically and psychologically (in Article 1 of Law Number 35 Year 2009 concerning Narcotics).

In the implementation of rehabilitation, it is also regulated by the Supreme Court in Circular Letter Number 4 of 2010 concerning Placement of Abuse, Abuse Victims and Narcotics Addicts in the Institute for Medical Rehabilitation and Social Rehabilitation. In the process of implementing rehabilitation, it is also regulated in a Ministerial Regulation, namely in Minister of Health Regulation No. 46 of 2012 concerning technical guidelines for the implementation of medical rehabilitation for addicts, abusers and narcotics abusers in the process or which have been decided by the Court and Social Minister Regulation Number 56 / HUK / 2009 concerning social services and rehabilitation for victims of narcotics, psychotropic, and other addictive substances abuse.

Some 400 drug user inmates in Class II A Narcotics Correctional Facilities in Nusakambangan were rehabilitated by the Cilacap District National Narcotics Agency (BNNK). Rehabilitation is applied to all drug users including prisoners. Rehabilitation which includes medical and social services by the Narcotics Narcotics Penitentiary in collaboration with the Cilacap Regency National Narcotics Agency (BNNK) is carried out in stages. This is done in stages because the prison and the National Narcotics Agency itself suffer from limited personnel.[5]

In rehabilitation centers, narcotics addicts get special treatment and / or treatment for health problems due to narcotics abuse and eliminate dependence. As is the case in the narcotics penitentiary class IIA Nusakambangan. First of all detoxification is done to remove toxins in the body by means of a steam bath using traditional herbs and then given therapy to eliminate dependence. And then given counseling and spiritual guidance there has even been a discourse about the implementation of an after rehabilitation program in the form of a program that aims for ex-addicts who have recovered to have the confidence to get back together in the midst of society.

This is not obtained by narcotics addicts if he is included in the Penitentiary. Though the treatment and / or care is needed by addicts. Based on the foregoing, recalling that the renewal of criminal law is part of a criminal policy, the criminal policy in determining sanctions contained in the provisions

regarding narcotics addicts, with the issuance of a new law, indicates a step in renewing the national criminal law because , the change from the old concept to the new one that increasingly shows a shift from the goal of imposing criminal sanctions on narcotics addicts to be more likely to impose sanctions in the form of rehabilitation.[6]

The process of rehabilitation of drug addicts is clearly very different from the rehabilitation stage that ordinary inmates must go through. The process of rehabilitation of drug addicts must go through certain treatment procedures that require special facilities and facilities.

The Psychotropic Law and Narcotics Act mandate the obligation to undergo treatment and treatment or rehabilitation for drug addicts. Provisions regarding the obligation to undergo rehabilitation for users who are addicted, in the Psychotropic Law, are regulated in Article 36 through article 39 and in the Narcotics Act regulated in Article 103. Because of the criminalization of drug users (especially users) and the existence of a mandate for given rehabilitation measures to his addicts, Lapas becomes a state institution that plays a very important role in drug handling policies. Prisons are used to punish and also protect large numbers of people who have experience using and having problems with drugs. Prison also has an important role in efforts to reduce the adverse effects caused by (use of) drugs.[7]

The unclear policy in terms of the purpose of the establishment and placement policy, according to the author, will make the effectiveness of prisons (specifically narcotics) as a place to guide prisoners (criminals) to be very doubtful. In this case, the authors are more inclined to argue that with the criminalization of drug users and the mandate of the law that requires the provision of rehabilitation for drug addicts, the special prison for narcotics would be more appropriate if it functioned as a place for fostering drug users with a category of users or addicts. The clarity of the allotment policy by itself will also provide clarity of objectives and coaching strategies.

B. Obstacles in the Implementation of Rehabilitation for Prisoners in Narcotics Class IIA Penitentiary Institutions

The number of incidents of discovery, use, and even production and drug transactions in correctional institutions have an impact on the deteriorating image of prison (especially narcotics). In the community even develops the notion that it is easier to get drugs in prison than outside prison, even many dealers are still able to run their businesses from prison.

Prison is considered a haven for drug trafficking. These assumptions can not be ignored because it is not impossible to have a bad impact. Poor image of Lapas (Narcotics) results in rejection of the

establishment of Narcotics Lapas in an area because it is considered that precisely the establishment of Lapas will have a negative impact on the community around Lapas. Law enforcement will always involve humans in it and thus will involve human behavior as well.

The law can not be upright by itself, meaning that it will not be able to realize the promises and wishes that are listed in the legal regulations. The law cannot be established by itself without the existence of law enforcement officials such as the police who can and optimally bridge it. This shows the challenges faced by law enforcement officers in the context of law enforcement are not impossible to be very many. Law enforcers are not only required to be professional and smart in applying their legal norms appropriately, but also have to deal with someone and even a group of community members who are suspected of committing crimes.[7]

The implementation of rehabilitation guidance for narcotics abuse aims at the treatment, treatment of addicts and dependence on narcotics. The Narcotics Penitentiary as in Article 56 of Law Number 35 of 2009 is a government agency in implementing rehabilitation as part of coaching.[8]

Constraints in the implementation of rehabilitation for prisoners in Narcotics Class IIA correctional facilities in Nusakambangan are:

1. The lack of operational costs, facilities and infrastructure budget. The minimal operational cost budget is an obstacle that is often encountered, namely the Lapas find it difficult to carry out rehabilitation because operational costs are very minimal, thus hampering Lapas work. Likewise, the lack of facilities and infrastructure can hamper the prison's work.
2. Lack of Technology and Technicians. Lack of technology is an obstacle encountered by Lapas in a very sophisticated era along with the development of the era, so it is better if Lapas is also equipped with sophisticated technology so that it does not become an obstacle in overcoming crime. For example: computer. Whereas the lack of technicians which is a barrier to Lapas's work is the lack of members who can use technology, therefore it requires members who are truly professional in performing their duties.
3. Lack of personnel. Lack of personnel is an obstacle to Lapas work because of the insufficient number of personnel in carrying out the rehabilitation process.

V. CONCLUSION

Rehabilitation for inmates in the Class IIA Nusakambangan narcotics penitentiary is carried out to return prisoners to society by not committing criminal acts anymore and reducing the level of narcotics abuse in prisons. The implementation of rehabilitation for prisoners in the Class IIA narcotics penitentiary has been running effectively meaning it is in accordance with Law No. 35 of 2009 concerning Narcotics and Law Number 12 of 1999 concerning correctional facilities. Obstacles that become obstacles to the implementation of rehabilitation for prisoners in the Class IIA Nusakambangan narcotics penitentiary are normative obstacles as guidelines for the implementation of rehabilitation, budget issues and staff level human resources, lack of facilities and infrastructure, lack of concern for the environment, capacity problems and problems for the prisoners in prison. alone.

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